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**THE HON'BLE SRI JUSTICE S.ANANDA REDDY**

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**WRIT PETITION No.15744 OF 2004**

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**DATED: 06-12-2005**

Between:

M.Nagaraju and others . . .Petitioners

And

The Executive Director, The Dist. Schedule Caste

Service Cooperative Society, Visakhapatnam,

and others . . .Respondents

**THE HON'BLE SRI JUSTICE S.ANANDA REDDY**

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**WRIT PETITION No.15744 OF 2004**

**O R D E R:**

This writ petition is filed by the petitioners aggrieved by the impugned orders of cancellation of the shops allotted to them.

The case of the petitioners is that they are the members belonging to the scheduled caste and were allotted shops for carrying out the business by them. Their further case is that they have been carrying on the business in the respective

shops allotted to them, who are four in number, and that they have not violated the provisions as alleged. Their grievance is that the impugned orders of cancellation of the shops allotted to them, were passed without issuing any show cause notice. Therefore even on the simple ground of violation of the principles of natural justice, the impugned orders are liable to be quashed.

On issuing notice, a counter affidavit was filed by the first respondent on behalf of the respondents supporting the impugned orders. However, it was contended that the writ itself is not maintainable against the Society. Even without reference to the merits, the first respondent reiterated the stand that was specified in the impugned orders of cancellation.

Heard both sides and perused the material on record.

Admittedly, the first respondent Society is not only being funded but also being functioned under the directions as well as headed by the Officers of the State Government. Therefore, it is difficult to sustain the contention of the first respondent that the writ petition is not maintainable against the impugned actions.

Admittedly, the impugned orders were passed without issuing any show cause notice and opportunity to the petitioners to explain their version with reference to the alleged violation of the conditions of allotment of the shops. As the said lapse on the part of the first respondent in passing the impugned orders, goes to the root of the matter, the impugned orders are liable to be quashed.

Accordingly, the impugned orders are quashed. However, if the first respondent is of the opinion that the petitioners have violated the conditions, he can issue orders of cancellation of the shops allotted to the petitioners, after giving a show cause notice and an opportunity of being heard.

The writ petition is accordingly allowed to the extent indicated above. No order as to costs.

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(S.ANANDA REDDY, J)

6th DECEMBER, 2005.

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